

EXHIBIT G

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COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS DIVISION OF EMPLOYMENT AND TRAINING
Docket No. 343890

MICHAEL P. RODIO,
Claimant,

and

R.J. REYNOLDS TOBACCO CO.,
Appellant.

ORIGINAL

BEFORE:

Ronald N. Martell, Review Examiner
Hearings Department, Southeast Reg: 1
37 Main Street
Taunton, Massachusetts 02780
January 29, 2003, 12:00 p.m.
(Hearing takes place via telephone
conferencing)

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1 APPEARANCES:

2
3 South Middlesex Legal Services
4 (by Richard Patterson, Esq.)
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6 Framingham, Massachusetts 01702
7 for the Claimant.

8 R.J. Reynolds
9 (by Rebecca Wheeden, Senior unemployment
10 compensation analyst)
11 P.O. Box 2959
12 Winston Salem, North Carolina 27102
13 for Appellant/Employer.
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MR. MARTELL: I'm calling

81-508-620-1830. This is Ronald Martell from the
Massachusetts Division of Employment and Training.
I'd like to speak to Richard Patterson. This is
regarding a telephone hearing for Michael Rodio.

THE RECEPTIONIST: Please hold.

MR. PATTERSON: Hello, this is
Mr. Patterson.

MR. MARTELL: This is Ronald Martell
from the Massachusetts Division of Employment and
Training. I'm calling regarding the telephone
hearing regarding Michael Rodio.

MR. PATTERSON: Okay.

MR. MARTELL: And do you have
Mr. Rodio with you?

MR. PATTERSON: He's here, too.

MR. MARTELL: Now, can you hold on
and I'll see if I can reach his former employer on
the other line. If we get disconnected, just hang
up and I'll try to reach you again, but hopefully
this should work out all right. Just one minute,
please.

I'm now calling 81-336-741-6802.

I'm calling 823-8466.

MS. WHEEDON: Rebecca Wheedon.

MR. MARTELL: Hello, Miss Wheedon.

This is Ronald Martell from the Massachusetts
Division of Employment and Training. I'm calling
regarding the telephone hearing for Michael Rodio.
I have Mr. Rodio and his attorney on the other
line, and now can I -- can you hold on and I'll see
if I can connect both of you?

MS. WHEEDON: Can you repeat your
last name for me, please?

MR. MARTELL: It's Martell,
M-A-R-T-E-L-L. I'll connect both of you. Excuse
me.

MS. WHEEDON: All right.

MR. MARTELL: Mr. Patterson, can you
hear me all right?

MR. PATTERSON: Yes.

MR. MARTELL: And can you hear me
all right, Miss Wheedon?

MS. WHEEDON: Yes.

MR. MARTELL: Yes. Now, were you
supposed to contact a witness?

MS. WHEEDON: Yes. A Mr. Fasciani.

MR. MARTELL: Yes, okay.

MS. WHEEDON: Yes, if you would hold please and I'll patch him into the call.

MR. MARTELL: Hello. Mrs. Wheedon is supposed to be contacting Mr. Fasciani.

MS. WHEEDON: Mr. Fasciani?

MR. FASCIANI: Here.

MR. MARTELL: Are you there, Mr. Fasciani?

MR. FASCIANI: Yes, I am.

MR. MARTELL: And what is your title, sir?

MR. FASCIANI: Division sales manager.

MR. MARTELL: Okay. And your title, Miss Wheedon, is senior unemployment compensation analyst?

MS. WHEEDON: Yes.

MR. MARTELL: Now, Mr. Patterson, now what is your -- what address do you want the decision to go to?

MR. PATTERSON: South Middlesex Legal Services, 354 Waverly Street.

MR. MARTELL: I'm sorry. What is the address again?

2 MR. PATTERSON: 354 Waverly,
3 W-A-V-E-R-L-Y, Street

4 MR. MARTELL: Yeah.

5 MR. PATTERSON: Framingham 01702

6 MR. MARTELL: I'm sorry, the zip
7 code, 0 --

8 MR. PATTERSON: 1702

9 MR. MARTELL: 017 -- 01702?

10 MR. PATTERSON: Correct.

11 MR. MARTELL: Now, you have
12 Mr. Rodio with you. And now my name is Ronald
13 Martell, and I'm the review examiner in this case.
14 The hearing of course is being tape recorded, and
15 the tape recorder's on now, and your testimony will
16 be under oath.

17 And now did you receive copies of
18 the exhibits in the mail, Mr. Patterson?

19 MR. PATTERSON: Yes, we did.

20 MR. MARTELL: Now, there were some
21 exhibits that I didn't mark because they just
22 appeared to be letters of recommendation, but there
23 was some additional exhibits that were sent that I
24 did mark. Now, the additional exhibits were sent
on a later date, and they include the -- a 1998

1 annual evaluation, 2000 evaluation, a -- now, this
2 looks like -- something, this is a -- this looks
3 like a written reprimand dated September 5, 2001,
4 and a written reprimand dated November 19, 2001.
5 Did you receive those exhibits, also,
6 Mr. Patterson?

7 MR. PATTERSON: Yes.

8 MR. MARTELL: Okay. And so -- you
9 have all the exhibits, also, Miss Wheedon?

10 MS. WHEEDEN: Yes.

11 MR. MARTELL: Okay. So after I --
12 well now in this particular case, it doesn't appear
13 that the claimant's separation was voluntary, so
14 the issue to be heard should be whether or not his
15 discharge was due to deliberate misconduct and
16 willful disregard of his (inaudible) or due to a
17 known violation of a reasonable and uniformly
18 enforced employer rule or policy. So after I
19 begin, I have to go through a brief formal opening
20 ceremony, then I'll have to swear in Mr. Rodio,
21 Miss Wheedon, and Mr. Fasciani and have you all
22 state your names for the record and then read the
23 exhibits into the record and verify some basic
24 claimant data and then we'll go directly into the

1 employer/s testimony regarding the reason for
2 separation.

3 And which of you will be testifying
4 first for the employer? Will it be you, Miss
5 Wheedon, or you, Mr. Fasciani?

6 MS. WHEEDEN: It would be
7 Mr. Fasciani.

8 MR. MARTELL: Mr. Fasciani. Okay.
9 And you'll be able to testify, also. And then
10 you'll be cross-examined by the claimant's
11 attorney, Mr. Patterson, and then the claimant will
12 testify and he'll be questioned by his attorney,
13 and then following that, the employer also has a
14 right of cross-examination, and which of you will
15 be handling the cross-examination, direct
16 examination for the employer?

17 MS. WHEEDEN: I would be doing that.

18 MR. MARTELL: Okay, Miss Wheedon.

19 And you'll be able to question Mr. Fasciani, also,
20 Miss Wheedon.

21 MS. WHEEDEN: All right.

22 MR. MARTELL: And I'll be asking
23 questions, also, as we go along, so if you're
24 ready, we'll begin. Are you ready for me to begin,